

Robert B. Buehler (RB 1458)
Jennifer L. Larson (JL 8114)
HELLER EHRMAN LLP
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 832-8300
Facsimile: (212) 763-7600

(additional counsel listed on signature page)

Attorneys for Plaintiff Philip Morris USA Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA INC.,

Plaintiff,

v.

CIGMALL, DMITRIY SUVOROV, DIANA
BEZEDE, EMIL BERNIKOVISH,
TKACHENKO T.A., OLEG DEROMCUK,
CIGMALL LTD., ADERMAN OOO, ADAM
ADAMOVICHENKO, CHERENZOV A.A.,
CINTEK UK LTD., BORIS CERNISHEV,
DAVID BUHERMAN, SHYNCHUKOVSKIY
I.A., EMI01 LTD., OLEG EMILEVICI, E-
TRADING (UK) LIMITED and MIKE
VERTIKS,

Defendants.

Case No.: 07 Civ. 8135 (DAB)

ECF CASE

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

NOTICE IS HEREBY GIVEN that pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, Plaintiff Philip Morris USA Inc. voluntarily dismisses the above-captioned action without prejudice. Philip Morris USA Inc. further states that none of the Defendants have served an answer or a motion for summary judgment.

Dated: New York, New York
February 4, 2008

Respectfully submitted,

By: s/Jennifer L. Larson

Jennifer L. Larson (JL 8114)
HELLER EHRMAN LLP
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 832-8300
Facsimile: (212) 763-7600

Kenneth L. Chernof
HELLER EHRMAN LLP
1717 Rhode Island Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 912-2199
Facsimile: (202) 912-2020

Warren J. Rheaume
HELLER EHRMAN LLP
701 Fifth Avenue, Suite 6100
Seattle, WA 98104
Telephone: (206) 389-4226
Facsimile: (206) 447-0849

-and-

Naomi B. Spector
HELLER EHRMAN LLP
4350 La Jolla Village Drive
7th Floor
San Diego, CA 92122
Telephone: (858) 450-5744
Facsimile: (858) 587-5944

Attorneys for Plaintiff Philip Morris USA Inc.